



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Lauermann
Serial No. 10/651,584 : Group Art Unit: 1614
Filed: August 30, 2003 : Examiner: Joseph S. Kudla
For: TARGETED RELEASE

AMENDMENT AND RESPONSE

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir/Madam:

In response to the Office Action dated 07/09/08, Applicant submits the following remarks within the statutory three (3) month period. No extension time is requested. No new matter has been added.

REMARKS

Election/Restriction

Applicant has made an election restriction for examination purposes of the invention with traverse. It is unacceptable and in sharp contrast to the MPEP that the Examiner requests the restriction requirement then makes the requirement final and then uses the non-elected species for further examination of the instant application (see for example p. 9 wherein said first moiety is a polypeptide, a peptide, an antibody, a bispecific antibody, ... wherein said active agent is a bispecific antibody inhibitor; wherein second moiety is selected from the group consisting of a peptide, a lipid, a polypeptide, a carbohydrate, a polysaccharide, a glycolipid, a nucleic acid or a conjugate thereof; wherein said inhibitor of claim 1 is selected from the group consisting a protease, a lipase, a nuclease, or glycolytic enzyme etc.). Since the non-elected species are still used for examination of the application, obviously, there were no reasons to request the restriction in the first place. Applicant, therefore, requests the restriction requirement to be removed altogether without prejudice.

Specification

The Abstract has been corrected and is enclosed on a separate page. A corrected disclosure in compliance with 37 CFR 1.821-1.825 containing "SEQ ID NO: X" has been submitted together with electronic sequence listings. It looks that the SEQ ID NO: could be located by the Examiner (see pp. 4 and 12). The applicant cannot locate any omissions. If the examiner is aware of any specific error the applicant requests that it is specifically pointed out. If the Examiner cannot locate the latest version of the application, it could be provided upon request.

Claim Objections

Claims are objected for reciting non-elected species. As stated above, it is requested that the restriction requirement is removed without prejudice.

Claim Rejections, second paragraph

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for particularly point out and distinctly claim the subject matter. The applicant respectfully disagrees. It is not obvious what the Examiner means when asking if "the second moiety is a portion of the second moiety" (p. 4). The second moiety is the second moiety and is not a portion of the second moiety. It is clear to one skilled in the art that the first moiety and the second moiety are part of one molecule. The Examiner admits that the specification is enabling for an inhibitor comprising (a) first moiety operably linked to (b) second moiety (see p. 5). It should be further noted that claim 6 is a dependent claim; dependant on claim 1 that specifically states that: said first moiety is operably linked to a second moiety. That definition renders claim 6 definite.